

Application No.: 10/662,356
Art Unit: 2836

Attorney Docket No. 6935.15
Confirmation No. 2061

REMARKS

By the present amendment, Applicant has amended the specification at page 1 to set forth the now patented status of prior application Serial No. 10/287,491. Also, Applicant has amended Claims 1 and 9, and canceled Claims 14-15. Claims 3, 12 and 18-20 have been canceled by the previous amendment. Claims 1, 2, 4-11, 13, 16 and 17 remain pending in the present application. Claims 1 and 9 are independent claims.

In the Office Action mailed September 22, 2006, the Examiner objected to the specification under 37 CFR 1.71(b). Claims 1, 9, 14 and 15 were objected to because of a minor informality. Claims 1, 2, 4-6 and 9-11 and 13-15 were rejected by the Examiner on the grounds of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,600,236 in view of Wong et al. (U.S. Patent No. 5,957,985). Claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bella et al. (U.S. Patent No. 5,703,411) in view of Kato et al. (U.S. Patent No. 5,856,711), Wagner (U.S. Patent No. 5,949,148) and Wong et al. (U.S. Patent No. 5,957,985). The Examiner indicated that Claims 7, 8, 16 and 17 would be allowable if rewritten in independent form.

The Examiner indicated that the specification fails to completely describe a specific embodiment of the invention and specifically refers to page 22, lines 19-22, as being particularly confusing.

Notwithstanding, Fig. 8A clearly shows relay wires "RDRLY 1," "YLRLY 2," "GNRLY 3" and "BLRLY 4" as being "color coded red, yellow, green and black, respectively," as stated at page 22 of the specification. The Examiner further noted that the specification makes references to structural parts and connections of the invention without using their corresponding labels as shown in the drawings, and specifically refers to page 17, lines 14-15. It should be pointed out that Applicant has made extensive revisions to the specification in the previously filed amendment to more particularly describe the subject matter in question and to conform the written description to the drawings. It should further be noted that the present application is a continuation-in-part (CIP) of Serial No. 10/287,491 (US Patent No. 7,132,761), which is a CIP of Serial No. 09/985,680 (US Patent No. 6,600,236). Both of these prior patents are "incorporated herein by reference" as stated at page 1 of the specification. Applicant respectfully submits that the written description contained in the present application and the information incorporated by the Applicant's prior patents are sufficiently clear and concise as to enable any person skilled in the art to make and use the invention in question. Withdrawal of the grounds of objection to the specification is respectfully requested.

With regard to the Examiner's objection of Claims 1, 9, 14 and 15, Applicant has amended Claims 1 and 9 to correct the noted informality. Also, Applicant has canceled Claims 14 and 15.

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Acknowledgment was made of the terminal disclaimer filed July 21, 2006 by Applicant to obviate the provisional double patenting rejection over then pending Application Number 10/287,491. The Examiner stated that the "second" terminal disclaimer, also filed on July 21, 2006 by Applicant, to obviate the double patenting rejection over prior U.S. Patent No. 6,600,236 "was not received."

Applicant contends that the second terminal disclaimer, referred to on pages 27 and 28 of the previously filed amendment, was delivered at the Customer Service Window at the USPTO on the noted date. Attached herewith is a copy the date-stamped receipt to confirm that two (2) terminal disclaimers and appropriate filing fees under 37 CFR 1.20(d) were filed with the USPTO. Also attached herewith is our file copy of pages 1 and 2 of the terminal disclaimer document, which was apparently misplaced by the USPTO. Applicant contends that the previous document was complete as filed and in full compliance with 37 CFR § 1.321. Applicant respectfully submits that this previously filed document should serve to obviate the Examiner's rejection of Claims 1, 2, 4-6, 9-11 and 13-15 on the ground of obviousness-type double patenting.

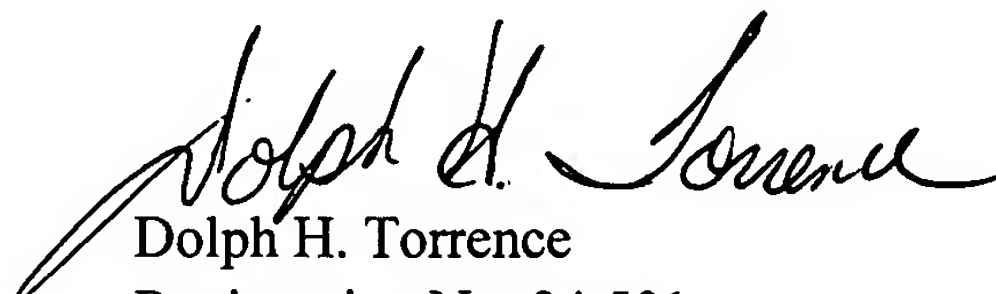
The cancellation of Claims 14 and 15 by the present amendment renders the prior art rejection of record moot with respect to these particular claims. The Examiner's indication of allowable subject matter is noted with appreciation. However, for the reasons delineated above, Applicant respectfully submits that independent Claims 1 and 9, and corresponding dependent Claims 2, 4-8, 10-11, 13 and 16-17 are allowable over the prior art of record.

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For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,


Dolph H. Torrence
Registration No. 34,501
(703) 486-1000

RCL:dht

Attachments: Petition to Revive (2 pgs.)

Check for \$750.00

“Appendix” containing:

Copy of Terminal Disclaimer (2 pgs.)

Copy of informal Filing Receipt

APPENDIX



Attorney Docket No. 6935.15

Confirmation No. 2061

Customer No. 37833

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

APPLICANT : **MICHAEL RHODES**

APPL. NO. : **10/662,356**

GROUP : **2836**

FILED : **September 16, 2003**

EXAMINER : **KAPLAN, H.**

FOR : **UNIVERSAL FLEET ELECTRICAL SYSTEM**

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT**

Sir:

The owner, MICHAEL RHODES, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer of prior Patent No. 6,600,236. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

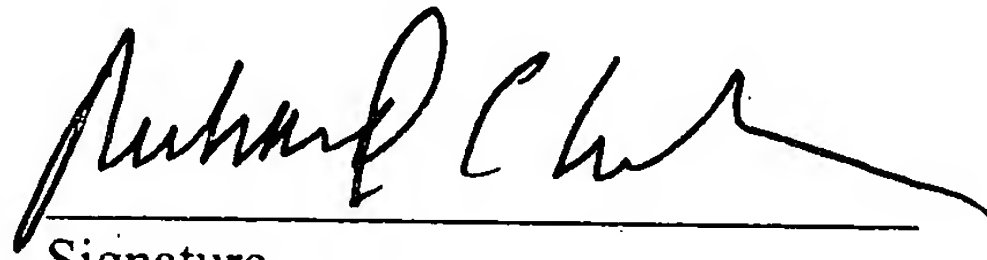
Check either box 1 or 2 below if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements were made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

7/13/06
Date


Signature

Richard C. Litman
Registration No. 30,868

☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

PTO suggested wording for terminal disclaimer was

☒ unchanged.

☐ changed (if changed, an explanation should be supplied).

TO: THE COMMISSIONER OF PTO

THE FOLLOWING HIGHLIGHTED ITEM(S) ARE FILED HEREWITH IN THE PTO.
PLEASE ACKNOWLEDGE RECEIPT HEREON WITH THE APPROPRIATE DATE STAMP AND
RETURN THIS RECORD:

Pat. Appl. ____ pgs.

Pat. Amdt. 28 pgs.

Pat. Mtnc. Fee Form

Pat. Issue Fee Form (PTO 85(b))

Verified Small Entity Stmt.

Power of Attorney

Associate Power of Atty.

Pet./Time Extension

Information Disc. Stmt.

Checks for \$ 65.00, 65.00 & 100.00

In Re Application of: MICHAEL RHODES

Serial No. 10/662,356

TM Appl. ____ pgs.

TM Renewal Appl.

TM Aff. 8 and/or 15

Notice of Opposition

Notice of Appeal

Appeal Brief

Replacement Dwg. 3 sheets & 3 Figs.

Annotated Dwg. 3 sheets & 3 Figs.

Terminal Disclaimers - Two (2)

Other _____



DATE STAMP

Non-Final Response

Due July 21, 2006

DHT

